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## ARTICLE II. - ZONING DISTRICTS

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Secs. 27-75—27-85. - Reserved.

### DIVISION 3. - SPECIAL PURPOSE ZONING DISTRICTS

Sec. 27-86. - ~~PC, Perimeter Center district. Reserved~~

~~RESERVED~~

~~{Ord. No. 2013-10-15, § 1(Exh. A § 27-6.10), 10-14-2013}~~

Sec. 27-87. - PD, Planned Development district.

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(b) *Establishing a planned development.*

- (1) No PD district may be established without the concurrent approval of an overall development plan (ODP) by the mayor and city council, in accordance with subsection (c).
- (2) PD districts must have a minimum contiguous land area of 200,000 square feet. ~~ten acres if located within the boundaries of an adopted master plan. PD districts outside the boundaries of an adopted master plan must have a minimum contiguous area of 15 acres.~~

### DIVISION 4. – OVERLAY ZONING DISTRICTS

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Sec. 27-98. – Perimeter Center Overlay.<sup>1</sup>

Secs. 27-98—27-~~110~~102. - Reserved.

### DIVISION 5. – PERIMETER CENTER DISTRICTS<sup>2</sup>

Secs. 27-103—27-106 – Reserved for PC District Provisions

Secs. 27-107—27-110. - Reserved.

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<sup>1</sup> Proposed new overlay district provisions presented in separate attached document (located here upon codification).

<sup>2</sup> Proposed districts presented in separate attached document. New district regulations will be located here upon codification.

## ARTICLE IV. - GENERALLY APPLICABLE REGULATIONS

### DIVISION 1. - PARKING AND CIRCULATION<sup>3</sup>

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#### Sec. 27-202. - Minimum motor vehicle and bicycle parking ratios.

Except as otherwise expressly stated, off-street motor vehicle and bicycle parking spaces must be provided in accordance with the following table, provided that:

- (a) no use is required to provide more than 8 bicycle parking spaces, and
- (b) the community development director is authorized to reduce minimum bicycle parking ratios for multi-tenant centers and other sites occupied by multiple uses when the director determines that common bike rack locations and overall bike parking availability will be adequate to meet bicycle parking demands on the subject lot;

Minimum Off-Street Parking Ratios		
USES	Motor Vehicle Parking	Bicycle Parking
<b>RESIDENTIAL</b>		
<b>Household Living</b>		
Detached house	2 spaces per dwelling unit	<u>None</u>
Attached house	2 spaces per dwelling unit	<u>None</u>
Multi-unit building	1 space per dwelling unit + 1 additional space <del>per</del> <u>bedroom</u> for 2+ bedroom units + 1 visitor space per 8 units	<u>0.1 spaces per dwelling unit; min. 2 spaces</u>
Multi-unit building (age-restricted 62 years+)	1 space per dwelling unit + 1 visitor space per 8 units	<u>0.05 spaces per dwelling unit; min. 2 spaces</u>
<b>Group Living</b>		
Convent and monastery	5 spaces per 1,000 sq. ft.	<u>None</u>
Fraternity house or sorority house	1 space per bed	<u>None</u>
Nursing home	1 space per 2 beds	<u>None</u>
Personal care home, registered (1—3 persons)	4 spaces	<u>None</u>
Personal care home, family (4—6 persons)	4 spaces	<u>None</u>
Personal care home, group (7—15 persons)	4 spaces	<u>None</u>
Personal care home, congregate (16 or more)	1 space per 4 clients	<u>None</u>
Residence hall	0.25 spaces per sleeping room	<u>0.1 spaces per sleeping room; min. 8 spaces</u>
Shelter, homeless	1 space per 10-person capacity	<u>None</u>
Supportive living	1 space per 2 living units	<u>None</u>
Transitional housing facility	1 space per 4 beds	<u>None</u>

<sup>3</sup> Includes only those sections with proposed revisions.

Minimum Off-Street Parking Ratios		
USES	Motor Vehicle Parking	Bicycle Parking
QUASI-PUBLIC AND INSTITUTIONAL		
Ambulance Service	1 space per service vehicle plus 1 space per 2 employees	<u>None</u>
Club or Lodge, Private	10 spaces per 1,000 sq. ft.	<u>None</u>
Cultural Exhibit	<del>1 space per 3 fixed seats</del> <u>0.33 spaces per seat</u> ; 40 spaces per 1,000 sq. ft. in largest assembly room if no fixed seats	<u>0.05 spaces per seat; min. 4 spaces</u>
Day Care		
Day care facility, adult (6 or fewer persons)	4 spaces	<u>None</u>
Day care center, adult (7 or more)	5 spaces per 1,000 sq. ft.	<u>None</u>
Day care facility, child (6 or fewer persons)	4 spaces	<u>None</u>
Day care center, child (7 or more)	5 spaces per 1,000 sq. ft.	<u>None</u>
Educational Services		
College or university	10 spaces per classroom	<u>None</u>
Kindergarten	5 spaces per 1,000 sq. ft.	<u>None</u>
Research and training facility, college or university affiliated	10 spaces per classroom	<u>None</u>
School, private elementary or middle	2 spaces per classroom	<u>Min. 4 spaces</u>
School, private senior high	5 spaces per classroom	<u>Min. 4 spaces</u>
School, specialized non-degree	10 spaces per classroom	<u>Min. 4 spaces</u>
School, vocational or trade	10 spaces per classroom	<u>Min. 4 spaces</u>
Hospital	1 space per 2 beds	<u>None</u>
Place of Worship	1 space per 3 fixed seats or 40 spaces per 1,000 sq. ft. in largest assembly room if there are no fixed seats	<u>0.05 spaces per seat; min. 4 spaces</u>
Utility Facility, Essential	As determined per subsection 27-203(6)	
COMMERCIAL		
Adult Use	13.33 spaces per 1,000 sq. ft.	<u>None</u>
Animal Services	3.3 spaces per 1,000 sq. ft.	<u>None</u>
Communication Services (except as noted below)	3.3 spaces per 1,000 sq. ft.	<u>None</u>
Telecommunication tower or antenna	None	<u>None</u>
Construction and Building Sales and Services	4 spaces per 1,000 [sq. ft.] of customer-accessible sales area + 3.3 spaces per 1,000 sq. ft. of office floor area + 0.5 spaces per 1,000 [sq. ft.] of additional indoor floor area	<u>None</u>
Eating and Drinking Establishments <u>(see also Sec. 27-204(f))</u>		
Restaurant, accessory to allowed office or lodging use	6.67 spaces per 1,000 sq. ft.; <u>3.3 spaces per 1,000 sq. ft. for PC-zoned property<sup>4</sup></u>	<u>None</u>

<sup>4</sup> This could be tied to the PC overlay, but by tying it to PC base zoning, we provide added incentive to opt for PC zoning.

USES	Minimum Off-Street Parking Ratios	
	Motor Vehicle Parking	Bicycle Parking
Restaurant, drive-in or drive-through	10 spaces per 1,000 sq. ft.; minimum 5 spaces	<u>Min. 4 spaces</u>
Restaurant, other than drive-through or drive-in	6.67 spaces per 1,000 sq. ft.; <u>3.3 spaces per 1,000 sq. ft. for PC-zoned property</u>	<u>Min. 4 spaces</u>
<u>Carry-out only restaurant</u>	<u>2 spaces per 1,000 sq. ft.</u>	<u>Min. 2 spaces</u>
Food truck	None <u>for temporary locations</u>	<u>None</u>
Other eating or drinking establishment	6.67 spaces per 1,000 sq. ft.; <u>3.3 spaces per 1,000 sq. ft. for PC-zoned property</u>	<u>Min. 2 spaces</u>
<b>Entertainment and Spectator Sports</b> (except as stated below)	1 space per 3 fixed seats or 40 spaces per 1,000 sq. ft. in largest assembly room if there are no fixed seats	<u>Min. 4 spaces</u>
Special events facility	10 spaces per 1,000 sq. ft.	<u>None</u>
<b>Financial Services</b>		
Banks, credit unions, brokerage and investment services	3.3 spaces per 1,000 sq. ft.; <u>2.5 spaces per 1,000 sq. ft. for PC-zoned property</u>	<u>0.33 spaces per 1,000 sq. ft.; min. 2 spaces</u>
Convenient cash business	4 spaces per 1,000 sq. ft.	<u>0.33 spaces per 1,000 sq. ft.; min. 2 spaces</u>
Pawn shop	4 spaces per 1,000 sq. ft.	<u>0.33 spaces per 1,000 sq. ft.; min. 2 spaces</u>
<b>Food and Beverage Retail Sales</b>	4 spaces per 1,000 sq. ft.; <u>2.5 spaces per 1,000 sq. ft. for PC-zoned property</u>	<u>0.1 spaces per 1,000 sq. ft.; min. 4 spaces</u>
<b>Funeral and Interment Services</b>	0.5 spaces per 1,000 sq. ft.	<u>None</u>
Cemetery, columbarium, or mausoleum	None (parking allowed on internal roads/drives)	<u>None</u>
Crematory	0.5 spaces per 1,000 sq. ft.	<u>None</u>
Funeral home or mortuary	1 space per 3 fixed seats or 40 spaces per 1,000 sq. ft. in largest assembly room if there are no fixed seats	<u>None</u>
<b>Lodging</b>	1.25 spaces per guest room; <u>1 space per guest room for PC-zoned property</u>	<u>None</u>
<b>Medical Service</b>		
Home health care service	3.3 spaces per 1,000 sq. ft.	<u>None</u>
Hospice	1 space per 2 beds	<u>None</u>
Kidney dialysis center	4 spaces per 1,000 sq. ft.	<u>None</u>
Medical and dental laboratory	3.3 spaces per 1,000 sq. ft.	<u>Min. 2 spaces</u>
Medical office/clinic	4 spaces per 1,000 sq. ft.	<u>Min. 2 spaces</u>
<b>Office or Consumer Service</b>	3.3 spaces per 1,000 sq. ft.; <u>2.5 spaces per 1,000 sq. ft. for PC-zoned property</u>	<u>Min. 2 spaces</u>
<b>Parking, Non-accessory</b>	N/A	<u>Min. 2 spaces</u>
<b>Personal Improvement Service</b>	4 spaces per 1,000 sq. ft.; <u>2.5 spaces per 1,000 sq. ft. for PC-zoned property</u>	<u>0.25 spaces per 1,000 sq. ft.; min. 2 spaces</u>
<b>Repair or Laundry Service, Consumer</b>	4 spaces per 1,000 sq. ft.; <u>2.5 spaces per 1,000 sq. ft. for PC-zoned property</u>	<u>0.25 spaces per 1,000 sq. ft.; min. 2 spaces</u>
<b>Research and Testing Services</b>	3.3 per 1,000 sq. ft.	

Minimum Off-Street Parking Ratios		
USES	Motor Vehicle Parking	Bicycle Parking
Retail Sales	4 spaces per 1,000 sq. ft. + 1 space per 1,000 <u>sq. ft.</u> of outdoor display/sales areas; <u>2.5 spaces per 1,000 sq. ft. for PC-zoned property (see also “shopping center” requirements)</u>	<u>0.1 spaces per 1,000 sq. ft.; min. 4 spaces</u>
<u>Shopping Center [1]</u>	<u>0 to 400,000 sq. ft. = 4.5 spaces per 1,000 sq. ft.</u> <u>400,001 to 600,000 sq. ft. = 5.0 spaces per 1,000 sq. ft.</u> <u>600,001 or more sq. ft. = 5.5 spaces per 1,000 sq. ft.</u>	<u>0.1 spaces per 1,000 sq. ft.; min. 4 spaces (see also 27-202(b))</u>
Sports and Recreation, Participant		
Golf course and clubhouse, private	2 spaces per hole	<u>None</u>
Health club	4 spaces per 1,000 sq. ft.; <u>2.5 spaces per 1,000 sq. ft. for PC-zoned property</u>	<u>0.25 spaces per 1,000 square feet; min. 6 spaces</u>
Private park	As determined per subsection 27-203(6)	
Recreation center or swimming pool, neighborhood	1 space per 5 members; minimum 10 spaces in R districts; minimum 20 spaces in nonresidential districts	<u>1 space per 20 adult members; min. 4 spaces</u>
Recreation grounds and facilities	As determined per subsection 27-203(6)	
Tennis center, club and facilities	1 space per 5 members; minimum 10 spaces in R districts; minimum 20 spaces in nonresidential districts	<u>1 space per 20 adult members; min. 4 spaces</u>
Other participant sports and recreation (Indoor)	5 spaces per 1,000 sq. ft.	<u>0.4 spaces per 1,000 square feet; min. 4 spaces</u>
Other participant sports and recreation (Outdoor)	As determined per subsection 27-203(6)	
Vehicle and Equipment, Sales and Service		
Car wash	Vehicle stacking spaces per section 27-211	<u>None</u>
Gasoline sales	3 spaces per service bay/stall	<u>None</u>
Vehicle repair, minor	3 spaces per service bay/stall	<u>None</u>
Vehicle repair, major	3 spaces per service bay/stall	<u>None</u>
Vehicle sales and rental	1 space per employee + 2 spaces per service bay/stall	<u>None</u>
Vehicle storage and towing	4 spaces + 1 per employee	<u>None</u>
INDUSTRIAL		
Manufacturing and Production, Light	0.5 spaces per 1,000 sq. ft.	<u>None</u>
Wholesaling, Warehousing and Freight Movement	0.5 spaces per 1,000 sq. ft.	<u>None</u>
AGRICULTURE AND TRANSPORTATION		
Agriculture		
Agricultural produce stand	None	<u>None</u>
Community garden	None	<u>None</u>
Crops, production of	None	<u>None</u>

USES	Minimum Off-Street Parking Ratios	
	Motor Vehicle Parking	Bicycle Parking
<b>TRANSPORTATION</b>		
Heliport	None	<u>None</u>
Stations and terminals for bus and rail passenger service	As determined per subsection 27-203(6)	<u>None</u>
Taxi stand and taxi dispatching office	As determined per subsection 27-203(6)	<u>None</u>

[1] Parking requirements for shopping centers are calculated based on the area of the entire shopping center, rather than the individual uses within the center. This parking calculation provision applies only to shopping centers in which restaurants make up less than 50 percent of the center's gross floor area. Parking requirements for any drive-through uses within a shopping center are always calculated separately.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-12.20), 10-14-2013)

**Sec. 27-204. - ~~Allowed in~~ Motor vehicle parking reductions.**

**(a) *Transit-served locations.***

(1) The community development director may authorize up to a reduction in the number of minimum off-street motor vehicle parking requirement spaces required for nonresidential uses located on lots within 1,500 feet of the pedestrian entrance of a commuter-light rail station or bus rapid transit stop in accordance is reduced by with the administrative permit provisions of article V, division 7. The extent of reduction may not exceed three- 2 spaces or 25-20 percent from the minimums stated in Sec. 27-202, whichever is results in a greater reduction. Any authorized reduction in motor vehicle parking spaces must be offset by provision of bicycle parking spaces at a rate of one bicycle space for each 2 reduced motor vehicle parking spaces. Required bicycle parking spaces may not be counted toward satisfying this requirement.

(2) The minimum off-street motor vehicle parking requirement for dwelling units in multi-unit and mixed-use buildings located on lots within 1,500 feet of the pedestrian entrance of a light rail station or bus rapid transit stop is reduced by 15 percent from the minimums stated in Sec. 27-202. Any authorized reduction in motor vehicle parking spaces must be offset by provision of bicycle parking spaces at a rate of one bicycle space for each 2 reduced motor vehicle parking spaces. Required bicycle parking spaces may not be counted toward satisfying this requirement. No bicycle parking may be used to reduce any guest parking requirements.

**(b) *Motorcycle parking.*** In parking lots containing over 20 motor vehicle parking spaces, motorcycle or scooter parking may be substituted for up to five automobile parking spaces or five percent of required motor vehicle parking, whichever is less. For every four motorcycle or scooter parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle and scooter space must have a concrete surface and minimum dimensions of four feet by eight feet. This provision applies to existing and proposed parking lots.

**(c) *Bicycle parking.*** Uses that provide bicycle parking and storage spaces in excess of the minimum requirements of Sec. 27-202 are eligible for a reduction of required motor vehicle parking, in accordance with section 27-205



**(d) Car-share service.**

- (1) For any development, one parking space or up to five percent of the total number of required spaces, whichever is greater, may be reserved for use by car-share vehicles. The number of required motor vehicle parking spaces is reduced by one space for every parking space that is leased by a car-share program for use by a car-share vehicle. Parking for car-share vehicles may be provided in any non-required parking space.
- (2) For any residential or mixed-use development that (a) is required to provide 50 or more parking spaces to serve residential dwelling unit and (b) provides one or more spaces for car-share vehicles, the number of required parking spaces may be reduced by four spaces for each reserved car-share vehicle parking space. No reduction of required visitor parking spaces is allowed.

**(e) On-street Parking.**

Nonresidential uses may count on-street parking spaces on public street rights-of-way abutting the subject property may be counted towards satisfying off-street motor vehicle parking requirements for nonresidential uses if such spaces meet city design specifications. One on-street parking space credit may be taken for each 20 linear feet of abutting right-of-way where parallel on-street parking is allowed. Credit for angled parking, where allowed, will be determined by the community development director. Only space on the same side of the street as the subject use may be counted, except that the community development director is authorized to allow spaces on the opposite side of the street to be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street parking, all fractional spaces are rounded down.

**(f) Outdoor Dining Areas**

- (1) Except as otherwise expressly stated in this ordinance, minimum off-street parking requirements for eating and drinking establishments must be based on the amount of indoor and outdoor floor area.
- (2) Outdoor dining areas containing up to 24 seats or no more than 10% of the indoor public floor area devoted to customer seating (whichever amount is less) are not counted in determining minimum off-street parking requirements. All portions of outdoor seating areas that exceed 10% the indoor public floor area devoted to customer seating and all portions of outdoor dining areas with a capacity of more than 24 seats must be counted in determining minimum off-street parking requirements.

**(ge) Shared parking.**

- (1) Sharing parking among different users can result in overall reductions in the amount of motor vehicle parking required. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.
- (2) The community development director is authorized to approve Sshared parking facilities ~~are allowed~~ for mixed-use projects and for arrangements in which multiple uses propose to share the same parking facilities with different times of peak parking demand, subject to approval by the community development director. Applicants proposing to use shared parking as a means of reducing overall motor vehicle parking requirements must submit:

- a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
  - b. The uses for which shared parking is proposed and the gross floor area occupied by such uses;
  - ~~b.c.~~ The location and number of parking spaces that are being shared;
  - ~~c.d.~~ A shared parking analysis supporting the shared parking request;
  - ~~c.d.~~ A legal instrument such as an easement or deed restriction guaranteeing access to the parking for the shared parking users.
- (3) The community development director is authorized to specify the shared parking methodology to be used or to require that the analysis be ~~The required shared parking analysis must be based on the latest edition of the Urban Land Institute's (ULI) shared parking model or be~~ prepared by registered engineer in the State of Georgia with expertise in parking and transportation. The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of ~~both all~~ uses.
- (4) Shared parking may be located off site, provided that at least 75 percent of the required number of parking spaces for the subject use must be located on-site. Off-site parking is subject to the regulations of subsection 27-206(c). The requirement for 75 percent of required parking spaces to be located on-site does not apply when all uses making use of the shared parking are located within the boundaries of the PC Overlay.
- (5) Required residential parking and accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.
- (6) In all cases, the property owner or management company is responsible for ensuring that adequate parking is available and does not impact adjacent property or rights-of-way.

**(h) Electric vehicle (EV) charging.**

In off-street parking lots containing 50 or more motor vehicles parking spaces, each parking space equipped with EV charging equipment will be counted as 2 parking spaces, provided that such double-credit may not be applied to more than 2 EV charger-equipped spaces per each 50 motor vehicle parking spaces.

**(gi) Alternative compliance.**

The motor vehicle parking ratios of this division are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception process (see article V, division 6) only if the zoning board of appeals determines that the proposed parking reductions are not likely to cause adverse impacts on traffic circulation and safety or on the surrounding area and the applicant provides a parking study or survey or a parking demand management plan in accordance with the following:

- (1) The applicant submits a parking study or survey, prepared and sealed by a registered professional engineer in the State of Georgia with expertise in parking and transportation demonstrating that the

motor vehicle parking ratios of section 27-202 do not accurately reflect the actual parking demand that can reasonably be anticipated for the proposed use; ~~and or~~

(2) The applicant submits a parking demand management plan demonstrating a comprehensive and long-term approach to reducing on-site parking demand incorporating at least 3 of the following techniques:

- a. Provision of or cost-participation in shuttle services from rail or bus transit or off-site parking facilities owned or leased by the applicant or employers who are tenants of the applicant's project.
- b. Subsidy of employee use of high-occupancy motor vehicles such as carpools and vanpools;
- c. Instituting a parking charge and not permitting such charge to be employer-subsidized;
- d. Provision of subsidized transit passes;
- e. Provision for bicycle commuters including but not limited to indoor bike storage and shower and changing facilities;
- f. Other techniques acceptable to the zoning board of appeals and capable of reducing off-street parking demand at the work site.

~~(2) The zoning board of appeals determines that the proposed reduced parking ratios are not likely to cause adverse impacts on traffic circulation and safety or on the surrounding area.~~

(Ord. No. 2013-10-15, § 1(Exh. A § 27-12.40), 10-14-2013)

#### **Sec. 27-205. - Bicycle parking.**

- (a) General.** This section allows reduction of motor vehicle parking requirements in exchange for providing bicycle parking facilities in excess of minimum bicycle parking requirements. It also establishes location and design requirements for required and non-required bicycle parking facilities.
- (b) Replacement of motor vehicle parking spaces with additional bicycle parking spaces.** Any nonresidential use may convert or substitute up to 10 percent of to 25-required motor vehicle parking spaces in exchange for providing additional bicycle parking spaces at the following ratios, provided that the total motor vehicle parking reduction does not exceed 25 spaces:
  - (1) A reduction of one motor vehicle parking space is permitted for each six short-term bicycle parking spaces provided. Required bBicycle parking spaces required under Sec. 27-202 may not be counted in determining allowed vehicle parking reductions.
  - (2) A reduction of one motor vehicle parking space is permitted for each two long-term bicycle parking spaces provided. Required bBicycle parking spaces required under Sec. 27-202 may not be counted in determining allowed vehicle parking reductions.
- (c) Location and design.**
  - (1) Short-term bicycle parking spaces.**
    - a. **Location.** Off-street bicycle parking spaces required by Sec. 27-202 and §sshort-term bicycle parking spaces provided to receive parking credit in accordance with subsection (b)

of this Sec. 27-205 must be located in highly visible, illuminated areas that do not interfere with pedestrian movements ~~Such Short-term~~ bicycle parking spaces must be located within 100 feet of a customer entrance.

- b. **Design.** Off-street bicycle parking spaces required by Sec. 27-202 and sShort-term bicycle parking spaces provided to receive parking credit in accordance with subsection (b) of this Sec. 27-205 must:

1. Consist of bike racks or lockers that are anchored so that they cannot be easily removed;
2. Be of solid construction, resistant to rust, corrosion, hammers, and saws;
3. Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock (See Figure 12-1A and PCID Public Space Standards for examples of acceptable and preferred designs);

*Figure 12-1A: Acceptable Bike Rack Designs*



4. Be designed so as not to cause damage to the bicycle;
5. Facilitate easy locking without interference from or to adjacent bicycles; and
6. Have minimum dimensions of two feet in width by six feet in length, with a minimum overhead vertical clearance of seven feet.

(2) **Long-term bicycle parking and storage spaces.**

- a. **Location.** Long-term bicycle parking spaces provided to receive parking credit in accordance with subsection (b) of this Sec. 27-205 must be provided in at least one of the following locations:

1. In weather-protected stationary racks or lockers that comply with the short-term bicycle parking location requirements of subsection (c)(1)a.
  2. In a locked room;
  3. In a weather-protected locked area that is enclosed by a fence or wall with a minimum height of seven feet;
  4. In a private garage or private storage space serving an individual dwelling unit within a multi-dwelling (residential) building;
  5. In a weather-protected area within clear view of an attendant or security personnel;
  6. In a weather-protected area continuously monitored by security cameras; or
  7. In a weather-protected area that is visible from employee work areas.
- b. **Design.** Long-term bicycle parking spaces provided to receive parking credit in accordance with subsection (b) of this Sec. 27-205 must:
1. Be covered to provide protection from weather and secured to prevent access by unauthorized persons;
  2. Consist of bike racks or lockers anchored so that they cannot be easily removed;
  3. Be of solid construction, resistant to rust, corrosion, hammers, and saws;
  4. Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
  5. Be designed so as not to cause damage to the bicycle;
  6. Facilitate easy locking without interference from or to adjacent bicycles; and
  7. Have minimum dimensions of two feet in width by six feet in length, with a minimum overhead vertical clearance of seven feet. Bicycle lockers are exempt from overhead clearance requirements.

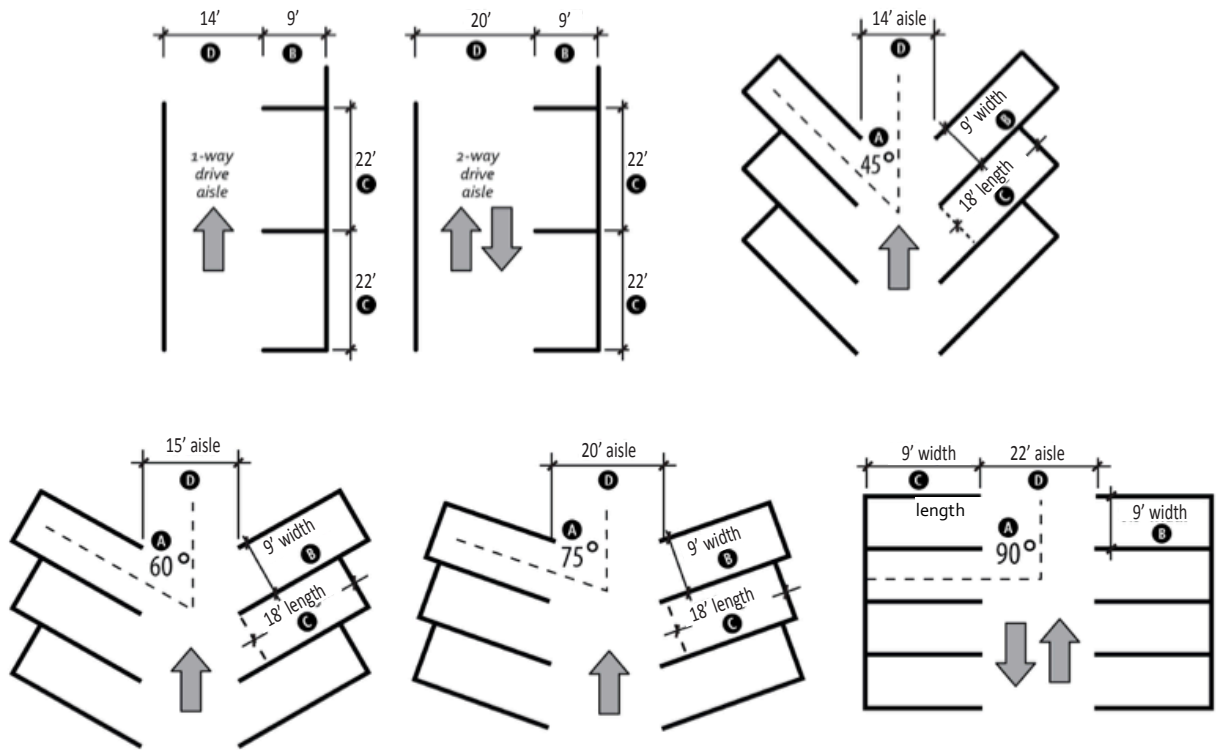
**Sec. 27-208. - Parking area design.**

- (c) **Geometric design.** ~~Parking lots must comply with the geometric design standards of the Institute of Traffic Engineers (ITE).~~  
Parking lots must be designed in accordance with the dimensional standards in the following table, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown here may be interpolated from the layouts shown, as approved by the community development director.

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
0°	9.0	22.0	14.0/20.0
45°	9.0	18.0	14.0/19.0
60°	9.0	18.0	15.0/20.0
75°	9.0	18.0	20.0/21.0
90°	9.0	18.0	-/22.0

**A** = Stall Angle, **B** = Stall Width, **C** = Stall Length, **D** = Aisle Width (1-way/2-way)

*Figure 12-1B: Parking Area Geometrics*



## DIVISION 2. – LANDSCAPING AND SCREENING

### Sec. 27-230 Transition Yards

#### (a) Applicability

The transition yard landscaping regulations of this section apply along interior property lines in those instances expressly identified in this zoning ordinance and only to the following activities:

- (1) The construction or installation of any new principal building or principal use; and
- (2) The expansion of any existing principal building or principal use that ~~results in an increase in gross floor area or site area improvements impervious surface area~~ by more than ~~525%~~ or 1,000 square feet, whichever is greater. In the case of expansions triggering transition yard requirements, the transition yard must be placed to provide reasonable screening and buffering of areas visually impacted by the proposed expansion, as determined by the community development director. In the case of expansions that trigger compliance with transition yard requirements, transition yard landscaping is required only in proportion to the degree of expansion. The city arborist is authorized to allow the transition yard to be established adjacent to the area of expansion or to disperse transition yard landscaping along the entire site transition area.

#### (b) Transition Yard Types

- (1) Four transition yard types are established in recognition of the different contexts that may exist. They are as follows:

Transition Yard Types				
Specifications	TY1	TY2	TY3	TY4
Min. Yard Width (feet) [1]	7.5	10	15	30
Min. Fence/Wall Height (feet)	6 (wall required)	6 [2]	<del>6</del> NA	<del>6</del> NA
Min. Trees (per 100 feet)				
Canopy	Not required	3	4	4
Understory	4	3	4	5
Min. Shrubs (per 100 feet)	Not required	<del>Not required</del> 30 [2]	<del>30</del> 15	30

- [1] Yard widths calculated on the basis of average per 100 feet, provided that the yard width at any point may not be less than 50% of the minimums stated in the table. Required zoning district setbacks may be counted toward satisfying transition yard widths.

[2] TY2 transition yard must include either (a) a fence/wall or (b) shrubs meeting the minimum requirements of this table.

- (2) Transition yard requirements are minimum regulations. Property owners who are subject to transition yard requirements may elect to provide a higher level transition yard.
- (3) The city arborist is authorized to count existing vegetation and structural elements as satisfying all or part of transition yard requirements upon

determining that such existing vegetation and structural elements meet the overall intent of these landscaping and screening regulations.

~~(2)(4)~~ No buildings or parking areas may be located in required transition yards. Breaks for motorized and non-motorized transportation access are allowed.

**(c) Zoning District Transition Yards**

Transition yards are required between zoning districts in accordance with the following minimum requirements.

Zoning of Subject Site	Zoning of Abutting Site									
	Zoning District ↓→	R, RA	RM-150 to 75	OCR, CR-1, RM-HD	O-I-T, NS	NS, C-1, C-2	O-I, PC-1, PC-2	PC-3, PC-4	O-D	M
	R or RA	None	TY1	TY2	TY1	TY2	TY2	TY1	TY1	TY3
	RM-150 to 75	TY3	None	None	TY1	TY1	TY1	TY1	TY1	TY3
	OCR, CR-1, RM-HD	TY4	None	None	None	None	None	None	None	None
	O-I-T, NS	TY2	TY1	TY1	None	None	None	None	None	None
	C-1, C-2	TY2	TY1	TY1	None	None	None	None	None	None
	O-I, PC-1, PC-2	TY3	TY2	TY1	None	None	None	None	None	None
	PC-3, PC-4	TY4	TY3	None	None	None	None	None	None	None
	O-D	TY3	TY3	TY2	TY1	None	TY1	TY1	None	None
	M	TY4	TY3	TY2	TY1	TY1	TY2	TY2	None	None
	PD	As approved at time of PD approval								

**~~(e)~~(d) Landscape Materials and Design**

Trees species must be selected from the city's approved street tree list, which is available in the community development department; alternative cultivars may be approved on a case-by-case basis with the approval of the city arborist. Transition yard landscaping is subject to the regulations of Sec. 27-233.

**Sec. 27-271. - Measurement of wing wall and retaining wall height.**

1. The height of wing walls ~~and retaining walls~~ is measured from the bottom of the footing or foundation at the base of the wall to the topmost point on the wall.
2. For zoning purposes the height of retaining walls is measured from the natural adjacent grade on the lowest side of the wall to the top of the wall.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.60), 10-14-2013)



## ARTICLE V. - REVIEW AND APPROVAL PROCEDURES

...

### DIVISION 3. - SPECIAL LAND USE PERMITS

...

#### Sec. 27-359. - Review and approval criteria.

##### (a) General.

Except as otherwise expressly stated in this ordinance, The-the following review and approval criteria must be used in reviewing and taking action on all special land use permit applications:

- (1) Whether the proposed use is consistent with the policies of the comprehensive plan;
- (2) Whether the proposed use complies with the requirements of this zoning ordinance;
- (3) Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;
- (4) Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:
  - a. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use;
  - b. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
  - c. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
  - d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use;
  - e. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and
  - f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.
- (5) Whether public services, public facilities and utilities—including motorized and nonmotorized transportation facilities—are adequate to serve the proposed use;
- (6) Whether adequate means of ingress and egress are proposed, with particular reference to nonmotorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;

- (7) Whether adequate provision has been made for refuse and service areas; and
- (8) Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

**(b) Major Exceptions to Perimeter Center Regulations.**

The general criteria of Sec. 27-359(a) do not apply to special land use permit requests for major exceptions to Perimeter Center Overlay and Perimeter Center zoning district regulations. In reviewing and taking action on special land use permit requests for major exceptions to Perimeter Center Overlay and Perimeter Center zoning district regulations, review and decision-making bodies must consider the following three criteria:

- (1) Whether the major exception request, if granted, will result in development that is inconsistent with the stated intent of the regulations;
- (2) Whether the major exception request, if granted, will result in development that is in keeping with the overall character of the surrounding area; and
- (3) Whether any negative impacts resulting from the granting of the major exception will be mitigated to the maximum practical extent.

## **DIVISION 7. – SPECIAL ADMINISTRATIVE PERMITS**

**Sec. 27-436. - Applicability.**

The community development director is authorized to approve the following as special administrative permits in accordance with the procedures of this division:

- (1) Any use or activity expressly authorized to be approved by special administrative permit pursuant to the provisions of this zoning ordinance;
- (2) Reductions ~~of~~ in minimum off-street motor vehicle parking and loading ratios by up to one space or ten percent, whichever is greater and reductions in minimum bicycle parking ratios by up to two spaces or ten percent, whichever is greater;
- (3) Minor exceptions to those Perimeter Center Overlay and Perimeter Center zoning district regulations expressly identified in section 27-98(a)(7)a. and section 27-104(a)(5)a. ~~Reduction of minimum off-street parking ratios for any lot located within 1,500 feet of the entrance of a commuter rail station or bus rapid transit stop by up to three spaces or 25 percent, whichever is greater~~<sup>5</sup>;
- (4) Reduction of zoning district setback requirements by up to ten percent;
- (5) Encroachment of building additions not exceeding one story or 18 feet in height into required rear setbacks by up to ten feet;
- (6) Type B home occupations that are solely teaching-related and conducted entirely within the principal dwelling;

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<sup>5</sup> Transit-based reduction is proposed to become as-of-right.

- (7) Relatives residences;
- (8) Antennas that project more than ten feet above the height of the structure to which they are attached;
- (9) Reduction of minimum building spacing requirements for multiple buildings on a single lot by up to 10 percent;
- (10) Increase in the maximum front door threshold height allowed by section 27-147
- (11) Increase in the maximum retaining wall height, as allowed by section 27-269
- (12) Reduction of the minimum retaining wall setback requirement, as allowed by section 27-269; and
- (13) Reduction of the minimum wing wall side setback requirement, as allowed by section 27-270

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.10), 10-14-2013)

**Sec. 27-437. - Authority to file.**

Applications for approval of special administrative permits may be filed by the owner of the subject property or the property owner's authorized agent.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.20), 10-14-2013)

**Sec. 27-438. - Application filing.**

Special administrative permit applications must be filed with the community development director.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.30), 10-14-2013)

**Sec. 27-439. - Posted notice.**

A sign must be placed in a conspicuous location on the subject property at least 30 days before the date of the community development director's decision on the special administrative permit request. This required notice must indicate the earliest date that a decision on the special administrative permit will be made and indicate the nature of the request and a contact where additional information can be obtained.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.40), 10-14-2013)

**Sec. 27-440. - Community development director's decision.**

- (a) The community development director must review each application for a special administrative permit and act to approve the application, approve the application with conditions, deny the application or refer the application to the zoning board of appeals for consideration as a special exception (if related to parking) or a variance.
- (b) The community development director may not take final action to approve or deny a special administrative permit application until at least 15 days after the date that posted notice was provided. All decisions must be made in writing within 30 days of the date that the application was filed.
- (c) The community development director's decision to approve or deny must be based on the approval criteria of section 27-441

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.50), 10-14-2013)

**Sec. 27-441. - Review and approval criteria.**

Special administrative permits may be approved by the community development director only when the community development director determines that any specific approval criteria associated with the authorized special administrative permit and the following general approval criteria have been met:

- (1) The grant of the special administrative permit will not be detrimental to the public health, safety or welfare of the public or injurious to the property or improvements;
- (2) The requested special administrative permit does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties; and
- (3) The requested special administrative permit is consistent with all relevant purpose and intent statements of this zoning ordinance.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.60), 10-14-2013)

**Sec. 27-442. - Appeals.**

Final decisions of the community development director may be appealed by any person aggrieved by the decision in accordance with the appeal procedures of article V, division 8.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.70), 10-14-2013)

**Sec. 27-443. - Amending conditions of approval.**

A request for changes in conditions of approval attached to an approved special administrative permit must be processed as a new special administrative permit application in accordance with the procedures of this division.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.90), 10-14-2013)

**Sec. 27-444. - Reporting.**

The community development director must maintain records of all special administrative permits that have been approved or denied and provide a summary of such actions to the city council and planning commission at least four times per calendar year.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.100), 10-14-2013)

## **DIVISION 10. – SITE PLAN REVIEW**

**Sec. 27-485. - Applicability.**

**(a) General.** Site plan review and approval, in accordance with the procedures of this division, is required before a land development permit may be issued.

**(b) Exemptions.**

- (1) Site plan review requirements do not apply to detached houses.
- (2) The community development director is authorized to waive or modify the site plan review requirements for proposed construction activities and changes of use that will result in no significant exterior changes or site modifications.

**Sec. 27-486. - Authority to file.**

Applications and site plans may be filed by the owner of the subject property or the property owner's authorized agent.

**Sec. 27-487. - Application filing.**

Site plans must be filed with the community development director. The site plan must include at least the following information, unless waived by the community development director:

- (1) **Site location map.** Location of site within a half mile context of streets, rail lines, stations, and notable sites.
- (2) **Site data table.** Tabular summary comparing zoning requirements with proposed plans, including lot, building and site regulations and parking requirements.
- (3) **Survey Plat.** Location and dimensions of property lines, easements, rights-of-way and a legal description of the site.
- (4) **Boundaries.** Development boundaries and proposed phasing (as applicable).
- (5) **Existing Conditions Plan.** Existing on-site and adjacent off-site structures, driveways, sidewalks, streets, utilities (underground and above ground), easements, and pavement noted either on an aerial photograph or site survey. Identify all structures proposed for demolition.
- (6) **Construction Staging Plan.** Plans for deliveries and storage of construction materials, location of employee parking and work areas, plans for site and adjacent right-of-way clean-up.
- (7) **Existing Natural Resources Plan.** Existing topography, trees, vegetation, drainageways, floodplain/way, or other unique features including plans for removal or modifications of existing natural resource areas.
- (8) **Grading Plan and Site Plan.** A preliminary grading plan and site plan delineating all proposed structures and surfaces, including parking, pavement, sidewalks, patios, landscape areas, retaining walls and any freestanding signs.
- (9) **Building Plans.** Floor plans illustrating compliance with all applicable requirements of the Perimeter Center overlay and Perimeter Center zoning district.
- (10) **Use Requirements.** A table of uses is required on the building plan delineating locations and floor area of proposed uses, illustrating compliance with applicable use regulations.
- (11) **Building Elevations.** Building elevations of all facades, rendered to illustrate compliance with the general building design criteria of the Perimeter Center overlay (See Sec. 27-98(d) and all applicable building type and design regulations of the underlying Perimeter Center zoning district (See Sec. 27-105). Include information on colors and building materials.

(12) Landscape Plan. Plans illustrating compliance with all applicable landscaping, screening and transition regulations, including a tabular summary identifying all plant materials, sizes and graphic symbols used on the landscape plan.

(13) Parking Plan. Parking layout plan, including driveway and drive aisle location and design.

(14) Other Information. Any other information deemed necessary by the community development director to allow for competent review of the site plan or to demonstrate compliance with applicable regulations, expressly including Perimeter Center Overlay and Perimeter Center zoning district regulations.

**Sec. 27-488. - Community development director's decision.**

(a) The community development director must review each site plan and act to approve the site plan, approve the site plan with conditions, or deny site plan approval.

(b) The community development director's decision must be based on the approval criteria of section 27-489.

(c) Decisions to deny site plan approval must be accompanied by a written explanation of the reasons for denial.

**Sec. 27-489. - Review criteria.**

Special administrative permits may be approved by the community development director, after consulting with other city departments and affected agencies, only when the community development director determines that the proposed plan complies with all applicable regulations.

**Sec. 27-490. - Appeals.**

Final decisions of the community development director may be appealed by any person aggrieved by the decision in accordance with the appeal procedures of article V, division 8.

**Sec. 27-491. - Transfer of site plan approval.**

Approved site plans, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.

**Sec. 27-492. - Amending conditions of approval.**

A request for changes in conditions of approval attached to an approved site plan must be processed as a new site plan application in accordance with the procedures of this division.

**Sec. 27-493. - Lapse of approval.**

An approved site plan lapses and has no further validity or effect 12 months after the date of its approval unless a land development permit is issued for construction pursuant to the approved site plan. The community development director is authorized to grant up to 2 successive 12-month extensions if the community development director determines that there have been no changes to the zoning ordinance or land development regulations that would significantly affect the approved site plan. Site plan extension requests must be filed before the site plan lapses.

## ARTICLE VII. - MEASUREMENTS, LANGUAGE AND DEFINITIONS

### DIVISION 1 - MEASUREMENTS

#### Sec. 27-574. - Floor area (and Gross Floor Area).

Except as otherwise expressly stated, a building's "floor area" is calculated on the basis of "gross floor area," and is measured as follows:

- (a) The floor area of a principal building includes the gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building. For purposes of calculating the floor area ratio of buildings in the PC-1 district, gross floor area is measured as the sum of all the space within all floors of a building located above ground level, as measured from the exterior faces of exterior walls. Calculations shall include all space regardless of whether it is intended for human occupancy or whether it is heated or un-heated, including garages, stairwells, hallways, storage areas, elevator shafts, mechanical rooms, all above-ground floors of parking decks and other enclosed spaces.
- (b) The gross floor area of an accessory building is measured as includes the sum of all the space within gross horizontal areas of all the floors of in an the accessory building, measured from the exterior faces of the exterior walls of the accessory building.
- (c) For all purposes other than calculating FAR in the PC-1 district or measuring the floor area of an accessory building, gross floor area is measured as the sum of all heated space within all floors of a building located above ground level, as measured from the exterior faces of exterior walls.

#### Sec. 27-574.5. - Floor area ratio (FAR).

A building's floor area ratio (FAR) is calculated by dividing the total floor area of all buildings on a lot by total area of the lot on which the buildings are located.

### DIVISION 3 - DEFINITIONS

Add the following to the alphabetical listing of definitions:

Bicycle Parking, Long-Term means bicycle parking spaces provided to meet the needs of residents, employees or occupants of a site who leave bicycles unattended overnight, during the workday or other long periods of time.

Bicycle Parking, Short-Term, means bicycle parking spaces provided to meet the needs of customers and other short-term visitors to a site.

Building type, civic has the meaning ascribed in 27-105(b)(2)e.

Building type, detached house has the meaning ascribed in See 27-105(b)(2)d.

Building type, general has the meaning ascribed in 27-105(b)(2)b.

Building type, shopfront has the meaning ascribed in 27-105(b)(2)a.

Building type, townhouse has the meaning ascribed in 27-105(b)(2)c.

Courtyard means an outdoor area enclosed by a building facade on at least 3 sides and open to the sky.

Expression line means an architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least 1.25 inches from the exterior facade of a building. It is typically utilized to delineate the top or bottom of floors or stories of a building.

Fenestration means, for purposes of administering and interpreting the Perimeter Center districts and overlay only, a measurement of the percentage of a facade that has highly transparent, low-reflectance windows, not including mirrored glass.

Floor area ratio. See section 27-574.5. ~~means the gross floor area of all heated floor space in all buildings or structures on a lot divided by the total lot area.~~

Frontage means, for purposes of administering and interpreting the Perimeter Center districts and overlay only, required pedestrian and bicyclist accommodations within the space between the building and the existing curb for all street types within the Perimeter Center overlay. Street types are identified in Figure 27-98-2.

Interior lot façade means any facade that does not face a street, faces the interior of the lot, or is located such that a parking lot is between the building and the street.

Main parking lot means a parking lot that contains more than 50 percent of the parking designated for a particular building.

Occupied space means interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking, but includes hallways, stairwells, and elevators.

Open water means a pond, lake, reservoir, or other water feature holding water at all times and the with the water surface fully exposed.

Pedestrianway means a pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

Pervious ~~surface-paving or pavement~~ means a ground covering of hard-surfaced material that is designed and installed to allow percolation or infiltration of stormwater into the soil below. ~~placed in an improved area, for such uses as walkways and pedestrian plazas/terraces, on-grade vehicle parking lots, and driveways.~~ Pervious surface-paving or pavement systems include but are not limited to porous concrete and modular porous paver systems that are designed to allow infiltration of stormwater, ~~consistent with stormwater bmps.~~ Pervious paving or pavement areas are not considered "impervious surface areas" for the purposes of calculating impervious surface coverage.

Semi-pervious surface means, for purposes of administering and interpreting the Perimeter Center districts and overlay only, either a material covering a surface that allows for at least 40 percent absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel, or a vegetated roof.



*Shopping center* means a group of retail and other commercial establishments that is planned, developed, owned and/or managed as a single property, typically with collective parking, shared driveways, common signage and other shared features.

*Stoop* means a platform entranceway at the door to a building, providing a transition between the interior of the building and the sidewalk outside the building. The stoop may be elevated or at grade, and may be covered by a canopy or awning.

*Story, ground (or ground floor)* means the first floor of a building on any street facade that is level to or elevated above the finished grade on any street facade.

*Story, half* means a story either in the basement of the building, partially below grade and partially above grade, or a story fully within the roof structure with windows facing the street.

*Story, Upper (or upper floor)* means all floors located above the ground story of a building. Upper stories may be half stories.

*Street façade* means the facade of a building that faces a street right-of-way.

*Vegetated roof* means that portion of a building roof covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

*Visible basement* means A half story or basement partially below grade and exposed above grade a minimum of one half the minimum floor-to-floor height.

## OTHER CH. 27 AMENDMENTS

### Sec. 27-97. - Dunwoody Village Overlay

- (d) Design review. No ~~land disturbance permit~~, building permit ~~or sign permit~~ may be issued for buildings ~~or construction activities~~ that are subject to one or more of the overlay district regulations of this section until the building design has been reviewed through the process prescribed in ~~of~~ article V, division 4, ~~has been completed~~.

### Sec. 27-147. - Residential infill.

Applicability: The residential infill regulations of this subsection apply to the construction and reconstruction of detached houses and the subdivision of land zoned single family:

~~Where the subdivision of vacant land or the resubdivision of existing lots has been approved by the city and significantly modifies the area; whether by creating multiple new lots or lot/block configurations, and/or new streets, and the nature of these improvements predominately alters the aesthetic or structural character of the neighborhood thereby inhibiting the direct application of these infill regulations, the community development director may determine their applicability to the permit request. In such cases the owners of property adjacent to the subject site(s) will be notified of and may appeal the decision per article V of this chapter.~~

\*\*\*\*\*

- (4) If existing ~~land is~~ lots are proposed to be subdivided, the reference parcels for the purposes of determining contextual requirements shall be those immediately adjacent to and outside the parcel or group of parcels comprising ~~for~~ the subject subdivision. Additionally, upon a determination by the community development director parcels with the following characteristics shall not be used in calculating contextual street setbacks or lot characteristics. Where practical —the next immediate adjacent parcel meeting the requirements for use as a reference parcel, if any, shall be used for subject calculations:

- a. Unbuildable lots;
- b. Lots subdivided within six months of the subject subdivisions—taken from the date of final approval or recordation—whichever is most recent;
- c. Substandard, irregular, or nonconforming lots;
- d. Un-subdivided property, or meets and bounds lots, which are uncharacteristic of the area and/or significantly exceed one or more of the minimum lot regulations for the zoning district, and/or are large raw undeveloped property which are expected to be the subject of a future subdivision request.

\*\*\*\*\*

- (15) (6) Exceptions.** Exceptions to the requirements of this Section 27-147, Residential Infill, may be requested through the Special Exception process as outlined in Section 27-416. In

addition to the review criteria of Section 27-421(b) the Zoning Board of Appeals shall also determine that the proposed exception will not be detrimental to or adversely impact adjacent property.

- (7) *Determination:* The community development director is authorized to determine whether the provisions of the contextual regulations for lot size, width, frontage and setbacks apply to the construction of a single family home on a lot, whether the lot(s) is part of a proposed subdivision or one that was previously recorded. In this capacity, the director may determine whether a proposed subdivision of land is subject to the same regulations. Findings used in this determination shall include, but not be limited to, the following:

Whether the lot(s):

1. is significantly different in character and/or contrary to the prevailing orientation of lots outside of the subdivision, (within the immediate surrounding or adjacent area), or
2. creates multiple new lots or lot/block configurations which create a different context, or
3. creates new streets and alignments of lots, or
4. alters other characteristics of the property

such that the lot(s) represent a different context, are altered visually or physically from the characteristics of the adjacent/previous neighborhood and such conditions render the application of the contextual regulations for lot size, width, frontage, and setback impractical, unreasonable, or unwarranted.

The owners of property adjacent to the subject lot(s) will be notified of and may appeal the decision of the community development director per article V of this chapter.

**Sec. 27-166. - Generally applicable regulations.**

- (d) **Location.** Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated. Accessory buildings are expressly prohibited in front street yards.

**Sec. 27-168. - Home occupations.**

(Retain Type B, apply stricter limitations)

- (g) *Use permits and supplemental regulations for Type B home occupations.*

- (1) *Special land use permit approval required.* Type B home occupations are allowed only if reviewed and approved in accordance with the special land use permit procedures of article V, division 3, provided that teaching-related home occupations conducted entirely within the principal dwelling are not subject to the special land use permit procedures, but instead require review and approval in accordance with the administrative permit procedures of article V, division 7.
- (2) *Supplemental regulations.* All Type B home occupations are, at a minimum, subject to the following regulations in addition to the general regulations of subsection (f).

- a. Customers or clients may visit the site only from ~~89~~:00 a.m. to ~~87~~:00 p.m. Monday thru Saturday. No more than two clients or customers may be present at any one time, except that up to three students may be present at one time in a teaching-related home occupation (e.g., tutor or music/dance instructor).
- b. Resident and customer parking shall be provided within a garage and/or driveway on-site. While conducting the home occupation no resident or customer vehicles shall be parked on the street.
- c. The home occupation shall not create any noise, noxious smell or odor, vibration or other adverse impact upon adjacent property.
- d. One nonresident employee is allowed with a Type B home occupation if no customers come to the site at any time. Home occupations that have clients, customers or students coming to the site at any time may not have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
- e. No stock in trade may be displayed or kept for sale on the premises and no on-premises sales may be conducted.

**Sec. 27-392. - Prohibited variances.**

The variance procedures of this zoning ordinance may not be used to:

- (1) Allow a structure or use not authorized in the subject zoning district or a residential density of development that is not authorized within the subject district;
- (2) Allow an increase in maximum building height;
- (3) Waive, vary, modify or otherwise override a site plan or condition of approval attached to an amendment, special land use permit or other development approval under this zoning ordinance;
- (4) Reduce, waive or modify in any manner the minimum lot area established for any use permitted by special land use permit or by special exception;
- (5) Permit the expansion or enlargement of any nonconforming use;
- (6) Permit the reestablishment of any nonconforming use that has been abandoned or lost its nonconforming rights; or
- (7) Vary the home occupation regulations.
- ~~(8) Allow a decrease in the minimum lot area, frontage, depth, shape, and buildable area, including those regulated by contextual lot characteristics.~~